

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1103 of 2019**

Vinod Kumar Sahu, S/o. Punitram Sahu, Aged About 39 Years, R/o. Village Torla, Police Station-Gobra Nawapara, District- Raipur, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Abhanpur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.R. Sahu, Advocate
For Respondent/State	: Mr. Kapil Maini, P.L..

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/08/2019**

1. Apprehending arrest in connection with Crime No.290/2019, registered at Police Station – Abhanpur, District – Raipur (C.G.) for offence punishable under Section 376 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant regarding commission of offence as alleged. The prosecutrix is a major woman of age 23 years and she and the applicant both had physical relation consensually since about one and half years prior to the date of lodging of FIR. Subsequent to the marriage of the prosecutrix, the applicant and the prosecutrix have willingly eloped, then on the basis of the missing report lodged by the husband, the prosecutrix was recovered, who then given adverse statement against the applicant,

which is totally false. Therefore, it is prayed that the applicant may also be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, the applicant and the prosecutrix both got acquainted to each other prior to the date of lodging of FIR and then on the pretext that the applicant will marry the prosecutrix, he made physical relation with her. Subsequently, the prosecutrix got married elsewhere. However, the applicant made phone calls and inconvenienced the prosecutrix and thereafter, again he had physical relation with her. Thereafter, the prosecutrix was recovered and the FIR has been lodged against the applicant.
6. Considered the submissions made and the contents of the case diary. After considering the facts and circumstances of the case and also after perusing the statement of the prosecutrix under Section 164 of Cr.P.C., this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the

concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram